

REMARKS

I. General

Claims 43-95 are pending in the present application. Claims 43-45, 47-53, 55-57, 60-69, 72-75, and 77-95 stand rejected under 35 U.S.C. § 102. Claims 46, 54, 58, 59, 70, 71, and 76 stand rejected under 35 U.S.C. § 103. Applicant respectfully traverses the rejections of record.

Claim 72 has been amended to more clearly recite aspects of the multimedia data services originally set forth in the preamble of the claim. No new matter has been added as this subject matter is present in the specification, *inter alia*, at page 10, line 23, through page 11, line 25.

Claim 75 has been amended to correct an informality discovered during the preparation of this amendment. In particular, claim 75 has been amended to depend from claim 74, rather than claim 73, in order to provide proper antecedent basis for “said message” recited in claim 75. No new matter has been added.

Claim 78 has been amended to prevent a reading of the recited communication connection as being a same communication connection providing access to the applications. It is believed that the foregoing amendment does not narrow the scope of the claim, but rather more clearly presents the limitations originally set forth therein. No new matter has been added by this amendment.

II. The 35 U.S.C. § 102 Rejections

Claims 43-45, 47-53, 55-57, 60-69, 72-75, and 77-95 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Salo et al., United States patent number 6,563,800 (hereinafter *Salo*). However, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. The disclosure of *Salo* does not teach every element of the claims, and thus the rejections of record are insufficient to establish *prima facie* anticipation under 35 U.S.C. § 102.

Applicant initially points out that the 35 U.S.C. § 102(e) date of *Saló* is November 10, 1999, whereas the priority date of the present application is February 28, 2000. Although Applicant presents arguments herein distinguishing the claims over the applied reference, Applicant does not concede that the reference is prior art. Applicant believes that the differences with respect to the claimed invention and the disclosure of the applied reference are such that presenting the arguments herein is the most expedient means by which prosecution may be advanced. However, Applicant expressly reserves the right to submit a declaration under 37 C.F.R. § 1.131 in order to swear behind the applied reference.

A. The Independent Claims

Claim 43 recites “said remote terminal including a communication information rerouting system for redirecting a portion of communication, which had been originally directed to said remote terminal, . . . to said at least one home system” Similarly, claim 60 recites “said remote terminal includes an information routing system for redirecting a portion of communication information, originally directed to said remote terminal, . . . to said at least one server” The rejections of record rely upon *Saló* at column 8, lines 1-5 and 18-40, and Figure 1c, Office Action at pages 3 and 4. However, the identified portion of *Saló* merely discloses routers disposed in the communication link between the remote terminal and the data center. There is nothing in this disclosure to teach a remote terminal which includes a rerouting system. Accordingly, the rejections of record do not establish anticipation with respect to claims 43 and 60 under 35 U.S.C. § 102.

Moreover, the above limitations require that the remote terminal’s rerouting system redirect a portion of a communication directed to the remote terminal to a home system. The Examiner has not identified any disclosure in *Saló* which teaches a remote terminal redirecting a portion of communication, which was initially directed to the remote terminal, to a home system, nor does Applicant’s review of *Saló* reveal such disclosure. In contrast to the express claim language, *Saló* teaches that “[t]he remote access and retrieval of subscriber information . . . is initiated by requesting the information on a remote access device,” column 6, lines 65-67. *Saló* expressly states that “[g]enerally, these requests are initiated by inputting an address on a browser (or micro-browser) interface of the remote access device,” column 7, lines 1-3. Clearly there is nothing in this disclosure to teach, or even suggest, a remote

terminal redirecting a portion of a communication directed to the remote terminal to a home system. As such, the 35 U.S.C. § 102 rejections of record with respect to claims 43 and 60 are improper and should be withdrawn.

Claim 72, as amended, recites “receiving first communication information . . . associated with a communication made with respect to said at least one user terminals using a first media type” and “sending second communication information . . . provided to a user of said user terminal in a second media type” The disclosure of *Salo* does not teach a multimedia data service as set forth in the claim, see e.g., column 7, lines 1-3 and lines 17-25. Moreover, the information provided from the user terminals of *Salo* is taught to be a request for the desired information rather than information associated with a communication made in association with the user terminal, see e.g., column 6, lines 65-67. Accordingly, the 35 U.S.C. § 102 rejection of claim 72 should be withdrawn.

Claim 78, as amended, recites “means for allowing any such devices to selectively access any of said applications during a communication connection directed to or from said devices,” wherein the recited communication connection during which selective access to the applications is provided is not a communication connection through which access to the applications is provided. In contrast to the claim language, *Salo* teaches direct access to applications which is not taught to be provided during any other communication by the terminal, see e.g., column 6, lines 33-53. Accordingly, the 35 U.S.C. § 102 rejection of claim 78 should be withdrawn.

Claim 86, similar to claims 43 and 60 discussed above, recites “said remote terminal including an intelligent information rerouting system for redirecting information originally sent to said remote terminal to said server system” The rejection of record relies upon *Salo* at column 6, lines 33-53, column 7, lines 36-48, column 8, lines 1-5 and lines 8-40, column 9, lines 66-67, column 10, lines 12-29, and Figures 1 and 1c, Office Action at page 5. As with the rejections of claims 43 and 60, the identified portion of *Salo* does not teach a remote terminal which includes an intelligent information rerouting system. Moreover, the above limitation requires that the remote terminal’s rerouting system redirect information originally sent to the remote terminal to a server system. Again, the Examiner has not identified any disclosure in *Salo* which teaches a remote terminal redirecting a portion of

communication which was initially directed to the remote terminal to a home system. In contrast to the claim language, *Salo* states that “[g]enerally, these requests are initiated by inputting an address on a browser (or micro-browser) interface of the remote access device,” column 7, lines 1-3. There is nothing in this disclosure to teach, or even suggest, a remote terminal redirecting a information originally sent to the remote terminal to a server system. As such, the 35 U.S.C. § 102 rejection of record with respect to claim 86 is improper and should be withdrawn.

Claim 95, similar to claims 43, 60, and 86 discussed above, recites “said home system provides application processing using said plurality of applications in response to communications redirected by said cellular telephone” The rejection of record relies upon *Salo* at column 7, lines 36-48, column 8, lines 8-17 and lines 18-40, column 9, lines 66-67, column 10, lines 12-29, and Figure 1, Office Action at page 6. However, the identified portion of *Salo* does not teach a cellular telephone which redirects communications, nor a home system which provides application processing in response to communications redirected by a cellular telephone. Accordingly, *prima facie* anticipation of the claim under 35 U.S.C. § 102 has not been established with respect to the disclosure of *Salo*.

B. The Dependent Claims

Dependent claims 44, 45, 47-53, 55-57, 61-69, 73-75, 77, 79-85, and 87-94 depend directly or indirectly from a corresponding one of claims 43, 60, 72, 78, and 86, and thus inherit the limitations thereof. Applicant has shown above, the disclosure of *Salo* does not meet all the limitations of independent claims 43, 60, 72, 78, and 86. Therefore, claims 44, 45, 47-53, 55-57, 61-69, 73-75, 77, 79-85, and 87-94 are asserted to be patentable over the rejections of record at least for the reasons set forth above with respect to the independent claims. Moreover, the dependent claims introduce new and non-obvious limitations which are not present in the applied art.

For example, claim 45 recites “wherein said communication information rerouting system is responsive to origination identification data contained in said communication information.” *Salo* does not teach communication information rerouting and thus does not

teach a communication information rerouting system which is responsive to origination identification data contained in a communication originally directed to the remote terminal.

Claim 47 recites “wherein at least some of said plurality of applications are connected to access external information resources.” Claims 61 and 90 recite similar limitations. *Salo* merely teaches a centralized data center acting as an intermediary to an enterprise network, wherein the enterprise network provides the applications, see column 6, lines 33-43. There is nothing in the disclosure of *Salo* to teach the enterprise applications being connected to access external information resources.

Claim 49 recites “wherein said at least one of said plurality of applications is a conference call application.” *Salo* simply does not teach any of the enterprise applications to which a remote terminal is provided access is a conference call application.

Claim 52 recites “wherein said home system further includes a user profile of information pertaining to different subjects.” Applicant can find nothing in the disclosure of *Salo* to meet this limitation.

Claim 55 recites “wherein said rerouted communication information comprises all signals comprising a telephone call.” *Salo* does not teach communication information rerouting and thus does not teach a telephone call that was originally directed to the remote terminal being rerouted to a home system.

Claim 69 recites “wherein said information routing system redirects said communication information to said server associated with said terminal based on signals received by said user terminal during a telephone call.” *Salo* does not teach communication information rerouting and thus does not teach a communication information rerouting system which redirects communication information based on signals received by a user terminal during a telephone call.

Claim 74 recites “automatically sending notification signals to said at least some of said user terminal when said at least one server receives a message relating to said at least one of said user terminals” Applicant can find nothing in the disclosure of *Salo* to teach

automatically sending notification signals to a user terminal when the server receives a message relating to the user terminal.

III. The 35 U.S.C. § 103 Rejections

Claims 46, 54, 58, 59, 70, 71, and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Salo* in view of well-known prior art. However, to establish a *prima facie* case of obviousness, three basic criteria must be met, see M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicant respectfully asserts that the rejection of record fails to meet the foregoing criteria and thus does not establish *prima facie* obviousness under 35 U.S.C. § 103.

Applicant respectfully points out that the foregoing rejections are improper under Office policy and the prevailing law. Specifically, the sole evidence offered in the rejections of record with respect to the limitations of claims 46, 54, 58, 59, 70, 71, and 76 is the Examiner's official notice of common knowledge. However, "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based," M.P.E.P. 2144.03 (citing *In re Zurko*, 59 U.S.P.Q.2d 1693, 1697 (Fed. Cir. 2001)). Accordingly, under Rule 37 C.F.R. §1.104(d)(2), the Examiner is hereby requested to provide and make of record an affidavit setting forth his data as specifically as possible for the assertion. Alternatively, under M.P.E.P. §2144.03, the Examiner is hereby requested to cite a reference in support of the assertion.

In each of the 35 U.S.C. § 103 rejections of record, the Examiner admits that the disclosure of *Salo* does not teach an aspect of the claims. However, in support of the rejection the Examiner takes official notice that each such "concept" is well known and thus concludes that it would have been obvious to one of ordinary skill in the art to modify *Salo* to include the limitations recited in the claims. The foregoing is merely a statement that the applied reference could be modified to meet the claims, and fails to provide any statement of

motivation as to why one of ordinary skill in the art would have been led to modify the reference to meet the claims. It is well settled that the fact that references can be modified is not sufficient to establish a *prima facie* case of obviousness, M.P.E.P. § 2143.01. Moreover, an assertion that the claimed invention would have been within the ordinary skill of the art without some objective reason to modify the reference to meet the claimed invention is not sufficient to establish *prima facie* obviousness, see M.P.E.P. § 2143.01. Accordingly, the 35 U.S.C. § 103 rejections of record are improper and thus should be withdrawn.

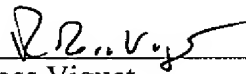
IV. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the claims be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P109C1/10313546 from which the undersigned is authorized to draw.

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Respectfully submitted,

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